

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

REDBOX AUTOMATED RETAIL, LLC,

Plaintiff,

v.

WARNER HOME VIDEO, a division of
WARNER BROS. HOME ENTERTAINMENT,
INC.,

Defendant.

C.A. No. 09-613 (RBK)

**DEFENDANT WARNER HOME VIDEO'S MOTION TO DISMISS
THE AMENDED COMPLAINT PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**

Defendant Warner Home Video hereby moves the Court to dismiss the Amended Complaint of Redbox Automated Retail, LLC, under Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim upon which relief can be granted and to enter an order substantially similar to the proposed Order attached hereto dismissing plaintiff's claims with prejudice.

The bases for this motion are set forth in Defendant Warner Home Video's Opening Brief In Support of Its Motion to Dismiss the Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6), and the Declaration of Katherine B. Forrest In Support of Defendant Warner Home Video's Motion to Dismiss the Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) with accompanying exhibits, which are being filed contemporaneously herewith.

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Dated: December 21, 2009



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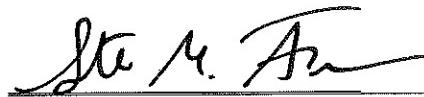
CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2009, I caused to be served by **hand delivery and e-mail** the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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I hereby certify that on December 21, 2009, I caused the foregoing document to be sent via **e-mail** to the following non-registered participants:

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